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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,909	05/23/2001	Viktors Berstis	AUS919980916US2	3240
35525	7590	01/25/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			VUONG, QUOCHIE B	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,909

Applicant(s)

BERSTIS, VIKTORS

Examiner

Quochien B Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18, 28-36 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18, 28-36, and 42-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's response filed on 10/12/04. Claims 10-18, 28-36, and 42-44 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17, 28-35, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. (US 4,635,121) in view of Culbertson et al. (US 5,168,481) and Pawlowski et al. (US 6,038,199).

Regarding claims 10, 28, and 42, Hoffman et al. disclose a method, a system, and a computer program product implemented in a data processing system for storing broadcast events for playback at a later time, wherein the data processing system includes a broadcast receiver, the method comprising: receiving a retention parameter for retaining a broadcast event; and retaining a broadcast event according to the retention parameter (column 5, lines 27-42; and column 7, lines 32-60). Hoffman et al. do not specifically disclose receiving a playback scheduling parameter for scheduling a broadcast event; receiving a playback format parameter for playing back a broadcast

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event; retaining a broadcast event according to the retention parameter in order to create a previously recorded broadcast event; retrieving a broadcast event according to the playback format parameter; and playing back a broadcast event according to the playback format parameter. However, Culbertson et al. disclose receiving a playback scheduling parameter for scheduling a broadcast event; receiving a playback format parameter for playing back a broadcast event; retrieving a broadcast event according to the playback format parameter; and playing back a broadcast event according to the playback format parameter (column 1, lines 25-35, 43-66). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the above teaching of Culbertson et al. to Hoffman et al., in order to automatically playback stored broadcast based on the schedule (as suggested by Culbertson et al. at column 1, lines 55-60). The combination of Culbertson et al. and Hoffman et al. does not disclose retaining a broadcast event according to the retention parameter in order to create a previously recorded broadcast event. However, Pawlowski et al. disclose retaining an event according to the retention parameter in order to create a previously recorded event (column 9, line 62 – column 10, line 17). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the step of retaining an event according to the retention parameter in order to create a previously recorded event of Pawlowski et al. to the method, system, and computer program product of Culbertson et al. and Hoffman et al. in order to organize and operate the previously recorded broadcast event.

As to claims 11-15 and 29-33, see Hoffman et al., column 1, lines 50-61, columns 4-5; and column 7, lines 32-60.

As to claims 16 and 34, Hoffman et al. further disclose a memory is included in the data processing system (figure 1, memory 7).

As to claims 17 and 35, Hoffman et al. further disclose a memory is included in the data processing system. However, it would have been obvious for a memory being not included in the data processing system so that the broadcast can be stored externally in order to reduce the size of the data processing system.

3. Claims 18, 36, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al., Culbertson et al., and Pawlowski et al. and further in view of Williams et al. (US 5,977,964).

Regarding claims 18 and 36, Hoffman et al., Culbertson et al., and Pawlowski et al. disclose the method and system of claims 10 and 28 above, respectively. In addition, Pawlowski et al. disclose the device is used by multiple users (column 1, lines 35-37). Hoffman et al., Culbertson et al., and Pawlowski et al. fail to disclose associating the selected broadcast events to a user. However, Williams et al. disclose record/playback device is used by multiple user and associating broadcast event with a user (column 3, lines 5-38, 48-67; column 5, lines 42-51; column 8, lines 4-13; column 11, line 61 – column 12, line 67; and column 13, line 13-25). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to provide the above teaching of Williams et al. to Hoffman et al., Culbertson et al., and Pawlowski et

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al. in order to automatically record broadcast event associated with a specific user (as suggested by Williams et al. at column 2, lines 6-8).

Regarding claims 43 and 44, Hoffman et al. disclose a method and a data processing system for storing broadcast events for playback at a later time, wherein the data processing system includes a broadcast receiver, the method comprising: receiving a retention parameter for retaining a broadcast event (column 5, lines 27-42; and column 7, lines 32-60). Hoffman et al. do not specifically disclose receiving a user identification; receiving a playback scheduling parameter for scheduling a broadcast event based on the user identification; receiving a playback format parameter for playing back a broadcast event based on the user identification; retaining a broadcast event according to the retention parameter in order to create a previously recorded broadcast event; retrieving a broadcast event according to the playback format parameter; and playing back a broadcast event according to the playback format parameter. However, Culbertson et al. disclose receiving a playback scheduling parameter for scheduling a broadcast event; receiving a playback format parameter for playing back a broadcast event; retrieving a broadcast event according to the playback format parameter; and playing back a broadcast event according to the playback format parameter (column 1, lines 25-35, 43-66). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the above teaching of Culbertson et al. to Hoffman et al., in order to automatically playback stored broadcast based on the schedule (as suggested by Culbertson et al. at column 1, lines 55-60). The combination of Culbertson et al. and Hoffman et al. does not disclose

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retaining a broadcast event according to the retention parameter in order to create a previously recorded broadcast event. However, Pawlowski et al. disclose retaining an event according to the retention parameter in order to create a previously recorded event (column 9, line 62 – column 10, line 17). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the step of retaining an event according to the retention parameter in order to create a previously recorded event of Pawlowski et al. to the method, system, and computer program product of Culbertson et al. and Hoffman et al. in order to organize and operate the previously recorded broadcast event. In addition, Pawlowski et al. disclose the device is used by multiple users (column 1, lines 35-37). The combination of Pawlowski et al., Culbertson et al. and Hoffman et al. fails to disclose receiving a user identification and associating broadcast event with the user identification. However, Williams et al. disclose record/playback device is used by multiple user and receiving a user identification and associating broadcast event with the user identification (column 3, lines 5-38, 48-67; column 5, lines 42-51; column 8, lines 4-13; column 11, line 61 – column 12, line 67; and column 13, line 13-25). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to provide the above teaching of Williams et al. to Hoffman et al., Culbertson et al., and Pawlowski et al. in order to automatically record broadcast event associated with the specific user identification (as suggested by Williams et al. at column 2, lines 6-8).

Response to Arguments

4. Applicant's arguments with respect to claims 10-18, 28-36, and 42-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on M-F 9:30-18:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong

Jan 19, 2005.